

REMARKS

The Office Action of March 11, 2005, has been reviewed and the comments therein carefully considered.

In the outstanding Office Action Claims 1-3 stand rejected under 35 U.S.C.102 (b) as being anticipated by United States Patent No. 5,689,559 to Park.

Applicant has elected on its own to amend claims 2 and 3. This amendment is made for editorial purposes to more clearly and properly recite first and second digital data. This amendment is not made in response to any requirement, objection or rejection of the Office Action.

With regard to the rejection under 35 U.S.C.102 (b), Applicant requests withdrawal of the rejection in accordance with the amendment to claim 1 and the following comments. Applicant acknowledges the Examiner's position with respect to the cited reference, i.e. Park, that the objective is met of limiting the number of copy operations to allow a predetermined number of reproductions. The Examiner has taken a position that Park's teaching of a limit of one reproduction is relevant to a Applicant's recitation of limiting reproductions to a predetermined number. Applicant, however, respectfully submits that the claims as currently amended recite an arrangement clearly distinguishable from Park.

Data Encoding

As recited in claims 1-3, a first control word is generated based on an allowable number of reproductions specified by the digital data reproduction device, and a one-way function is applied to the first control word a number of times corresponding to the allowable number of reproductions to generate a second control word. In a representative illustration in the specification, the first is the control word "CW3." The allowable number of reproductions is 3. A one-way function "f" is applied to the control word CW3 three times to produce a second control word "CW0" in the embodiment (see Fig. 4A of the present application).

Thereafter, the first digital data, digital data "P" in the illustration, is scrambled using the second control word to produce the second digital data, digital data "C" in the illustration. Then the second digital data and the first control word to the digital data reproduction device. As illustrated in Fig.3 of the present application, the second digital data C and the first control word CW3 are provided to the reproduction device 23.

In contrast, in Park, as shown in FIG.1, encoded audio and video strips are scrambled using a control word, and on the other hand a marker is generated by combining the control word and copy prevention (CP) information (including allowable generation field and current generation field,

see FIG.3). Here, the allowable generation corresponds to the allowable number of reproductions of the present invention. Then, the marker is encrypted. Finally, the scrambled audio and video bit strips and the encrypted marker are multiplexed and transmitted.

Park's teaching is contrary to that recited by the claims. According to the claims 1-2, digital data is scrambled using a control word generated using information about the allowable number of reproductions. This means that the scrambled data includes information about the allowable number of reproductions. In contrast, in Park, though the audio and video strips are scrambled also using a control word, the control word does not include information about the allowable number of reproduction generations. Specifically, according to Applicant's claims, digital data is scrambled using the second control word generated by applying a one-way function a number of times corresponding to the allowable number of reproductions, as clearly recited in amended claim 1.

In view of the above, Park fails to teach or suggest the control of digital data reproduction as explicitly recited in claim 1 of the present application. MPEP 2131 states, **"TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM."** (emphasis in original) Since Park

does not teach the elements of claim 1, it is submitted that the rejection of claim 1 on 35 U.S.C. 102 (a) be withdrawn, and claim 1 should be allowed.

Data Reproduction

Claim 2 and claim 3, which depends from claim 2, further recite elements in a digital reproduction device. The above-described differences in data-supply apparatus lead to differences between the recitations of claims 2 and 3 and the teachings of Park. It is natural that there are also corresponding differences in the data reproduction apparatus in order to accommodate differences in the digital data creation process. More particularly, according to the presently claimed invention, the one-way function is applied to the first control word CW_k ("control word CW3" in the embodiment) once to generate the third control word $CW_{(k-1)}$ ("control word CW2" in the embodiment) every reproduction. In Park, however, the current generation of the current generation field is augmented by one to update the marker.

Particularly, such a feature or idea recited in claim 3 that a reproduction device can give another reproduction device at least one of its allowable number of reproductions is not at all derived from the copy generation management disclosed in Park. Since Park does not disclose these recited

limitations, it is submitted that the requirements of a rejection under MPEP 2131 are not met. For this reason, claims 2 and 3 should also be allowed.

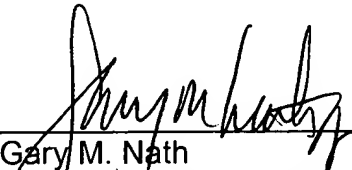
Summary

Although Park of record discloses an arrangement for limiting reproductions of media to one instance, Applicant has demonstrated that the recitations by Applicant for limited reproductions to a number of instances is performed by an arrangement neither taught nor contemplated by Park. In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is respectfully requested to contact the undersigned if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,
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